



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/524,586

03/31/2005

Mitsuo Honda

2005_0221A

6551

513 7590 08/06/2008

WENDEROTH, LIND & PONACK, L.L.P.

2033 K STREET N. W.

SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

SWARTZ, RODNEY P

ART UNIT

PAPER NUMBER

1645

MAIL DATE

DELIVERY MODE

08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. Applicants' Submission of a sequence listing and CRF will not be entered because the listing comprises all nucleotide listings in Capital letters (see attached printout).

2. It is also noted that the originally filed listing contained only 5 sequences (15 February 2005). The submission of 31 October 2005 contained only 5 sequences.

However, it is noted that the submissions of 28 September 2007 and 30 November 2007 both contained 13 sequences.

Clarification is required in order to determine if the submission of an additional 8 sequences is considered a new matter issue.

3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rodney P. Swartz, Ph.D., Art Unit 1645, whose telephone number is (571) 272-0865. The examiner can normally be reached on Monday through Wednesday from 9:00 AM to 7:30 PM EST. Thursday is the examiner's work at home day.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Shannon Foley, can be reached on (571)272-0898.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/524,586

Page 3

Art Unit: 1645

/Rodney P. Swartz, Ph.D./

Primary Examiner, Art Unit 1645

August 7, 2008

Art Unit: 1645

Application No. 10/524,586

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CAR §1.821 - §1.825 for the following reasons(s):

☐ 1. This application clearly fails to comply with the requirements of 37 CAR §1.821 - §1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990, and at 55 FR 18230, May 1, 1990.

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CAR §1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CAR §1.821(e).

☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CAR §1.822 and/or §1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing".

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CAR §1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CAR §1.821(e).

☐ 7. Other: _____

APPLICANT MUST PROVIDE:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☐ An initial or substitute paper copy of the "Sequence Listing", as were as an amendment directing its entry into the specification.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CAR §1.821(e) or §1.821(f) or §1.821(g) or §1.825(b) or §1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:

For Rules Interpretation, call (703) 308-1123

For CRF Submission help, call (703)308-4212

For Patent Software help, call (703) 557-0400

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE.